

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PERRY J. FERRUCCI, et al.,

Plaintiffs,

v.

BANK OF AMERICA, NA, et al.,

Defendants.

No. 2:20-cv-1043-JAM-KJN

ORDER

On April 22, 2021, the court held a hearing on a motion to compel brought by defendant Experian Information Solutions, Inc. (ECF No. 27.) Attorney Daniel Zemel appeared on behalf of plaintiffs, and attorney Jennifer Sun appeared on behalf of defendant Experian. Attorney Courtney Stieber appeared on behalf of non-moving defendant Equifax, and attorney Joel C. Spann appeared for non-moving defendant Bank of America.

For the reasons discussed at the hearing, it is HEREBY ORDERED that:

1. Defendant Experian's motion to compel is GRANTED IN PART;
 - a. Except for plaintiff's objections based on the attorney-client or work-product privilege, all objections asserted in the discovery responses at issue are OVERRULED;
 - b. Regarding the Requests for Production of Documents at issue, plaintiffs are ordered either to produce any documents within their custody or control or that


they could readily obtain, or certify that there are no documents to produce;

c. Regarding the Interrogatories at issue, plaintiffs are ordered to amend their responses to provide any additional factual detail within their knowledge; and

d. Amended responses shall be provided to defendant Experian by 4:00 p.m. on Friday, April 30, 2021.

2. The court finds attorney's fees are warranted under Federal Rule of Civil Procedure 37(a)(5)(A). Defendant has proffered their request by declaration. (See ECF No. 27-2 at ¶¶ 11-13.) The court provides plaintiffs until 4:00 p.m. on April 30, 2021, either to: (a) file opposition briefing on the fee rate and hours requested, or (b) state that they will submit to the court's discretion.

Dated: April 23, 2021


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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